



**US Army Corps
of Engineers.**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil



Public Notice

APPLICATION NO.:	KNG-MVK-2005-236
EVALUATOR:	Ms. Kaaren Geter
PHONE NO.:	(601) 631-5162
FAX NO.:	(601) 631-5459
E-MAIL:	regulatory@mvk02.usace.army.mil
DATE:	November 18, 2005
EXPIRATION DATE:	December 9, 2005

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Mississippi Department of Environmental Quality are considering an application for a Department of the Army permit and State water quality certification for the work described herein. Comments should be forwarded to the Vicksburg District, ATTN: CEMVK-OD-F, at the above address, and the Mississippi Department of Environmental Quality, Post Office Box 10385, Jackson, Mississippi 39289-0385, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:
Mr. Marcus Clark
1535 Fontaine Drive
Jackson, Mississippi 39211

Name of Agent:
Mr. Michael Goff
Wildlife Technical
Services, Incorporated
Post Office Box 820188
Vicksburg, Mississippi
39182-0188

Location of Work: Section 1, T4N-R2E, UTM 15 3568273N 778904E, within the Middle Pearl-Strong Rivers drainage basin, Rankin County, near Whitfield, Mississippi.

Description of Work: (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for an after-the-fact Department of the Army permit to construct a recreational fishing pond and to provide borrow material for an adjacent property owners residential development.

The proposed project site consists of 10.0 acres, of which approximately 1.3 acres are impacted wetlands. The wetlands were impacted during construction of the levee footprint around the pond.

Records from the Natural Resource Conservation Service indicate that the site was cropped prior to 1990 and had recently been used as a sod farm through 2001. Records indicated that a wetland determination had not been performed on the property. Wetland hydrology on the site has been impacted by the installation of fill material. Surface water that normally drained towards Richland Creek has been impeded by construction of a pond on the property. Soils were saturated or inundated on areas of the site that had not been filled, and vegetation on these areas indicates that wetland hydrology continues to be present.

Vegetation growing on reference areas included green ash (*Fraxinus pennsylvanicus*), soft rush (*Juncus effuses*), eastern bacharis (*Bacharis halimifolia*), water oak (*Quercus nigra*), American elm (*Ulmus Americana*), Japanese honeysuckle (*Lonicera japonica*), red sprangle-top (*Leptochloa filiformes*), and plunegrass (*Erianthus giganteus*).

Approximately 10.0 acres of material was excavated from the pond area, and approximately 21,000 cubic yards of the excavated material was used as fill to create the levee footprint around the pond.

The remaining excavated material from the pond site was used as fill material on an adjacent property site for development of a subdivision. A portion of the proposed subdivision site was also located in wetlands. Public notice No. KNG-MVK-2004-1273 was issued on June 28, 2005, for an after-the-fact Department of the Army permit application for the subdivision site. At this time the permit application is currently in the review phase.

The placement of dredged and/or fill material in wetlands associated with the mechanized land clearing and levee construction requires a Department of the Army Permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: An initial review indicates that the proposed project would not affect any of the sites in Rankin County listed in the National Register of Historic Places. Copies of this notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, the Corps archaeologists, and other interested parties for comment on potential effects to cultural resources that could result from this activity.

Endangered Species: Our initial finding is that the proposed work would not affect any endangered species or their critical habitat. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.

Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

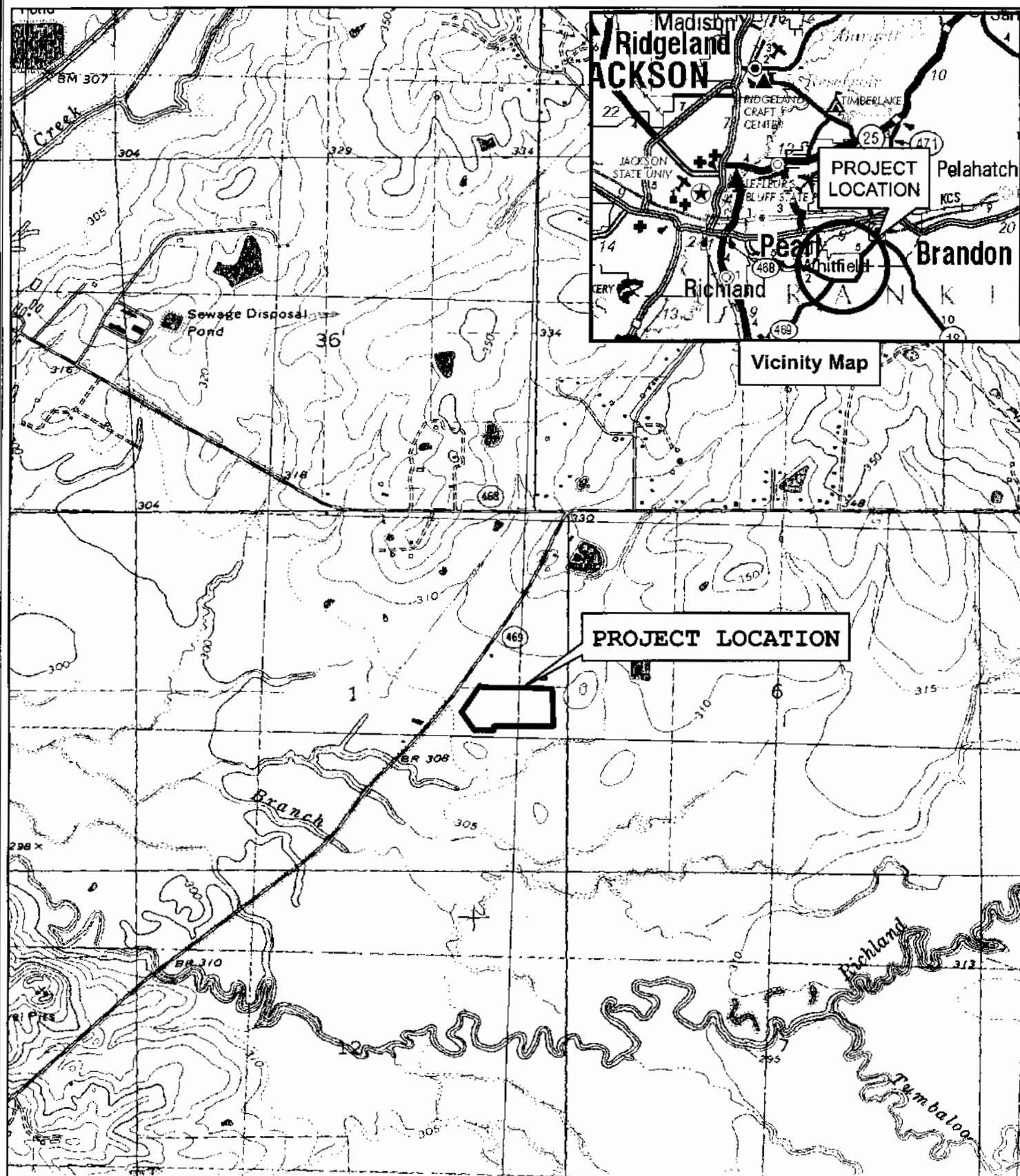
Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/offices/od/odf/main.asp>, or go directly to the Final Permit Actions web page at <http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp>.

W. Harold Lee
Team Leader
Evaluation Section

RECREATION / FISHING RESERVOIR

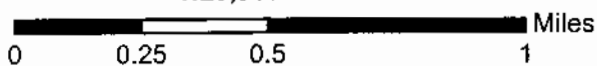


WHITFIELD QUAD

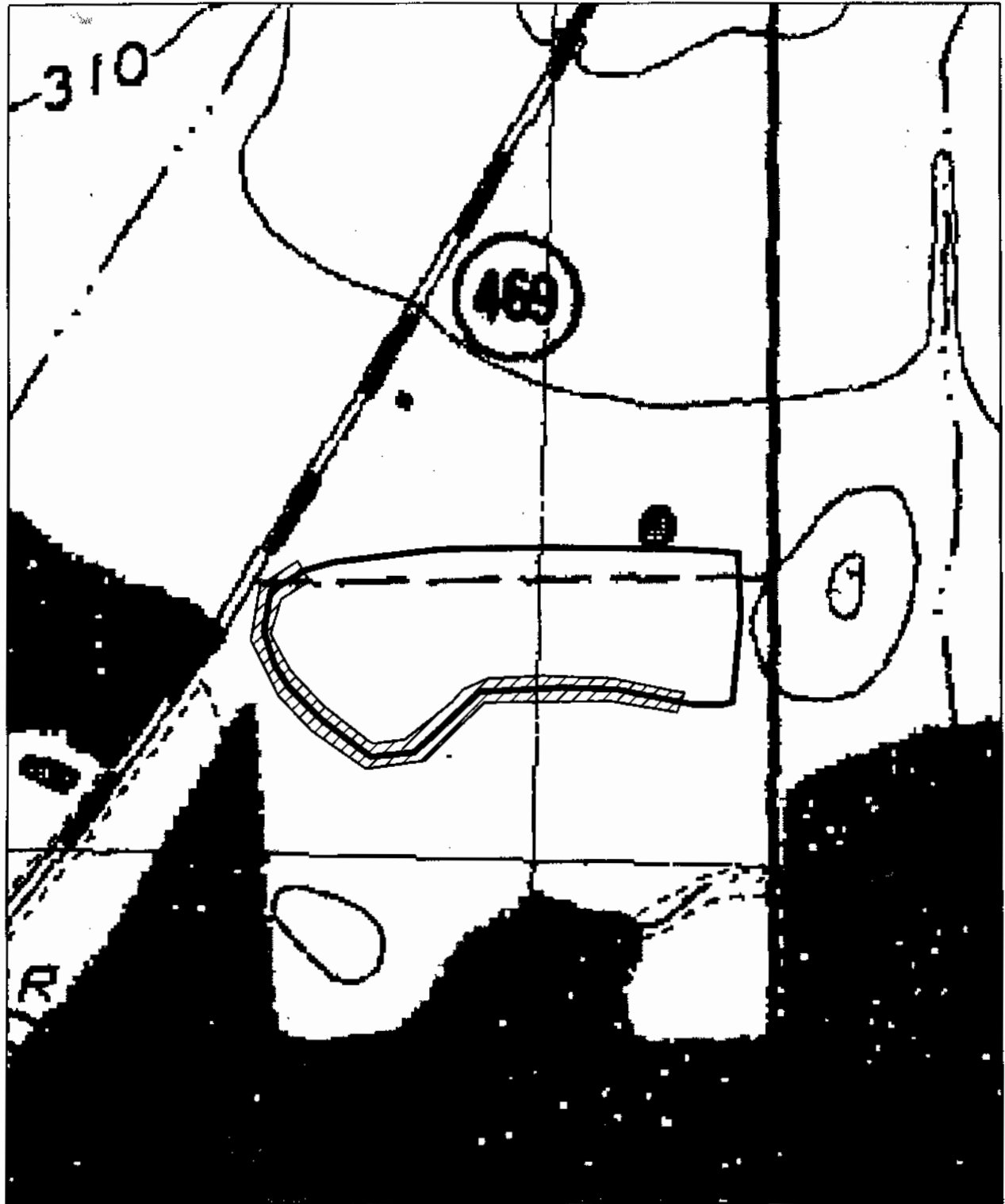
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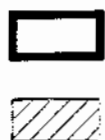
MR MARCUS CLARK



MVK-2005-236, Mr. Marcus Clark, Recreational pond,
Section 1, T4N-R2E, Rankin County, Mississippi



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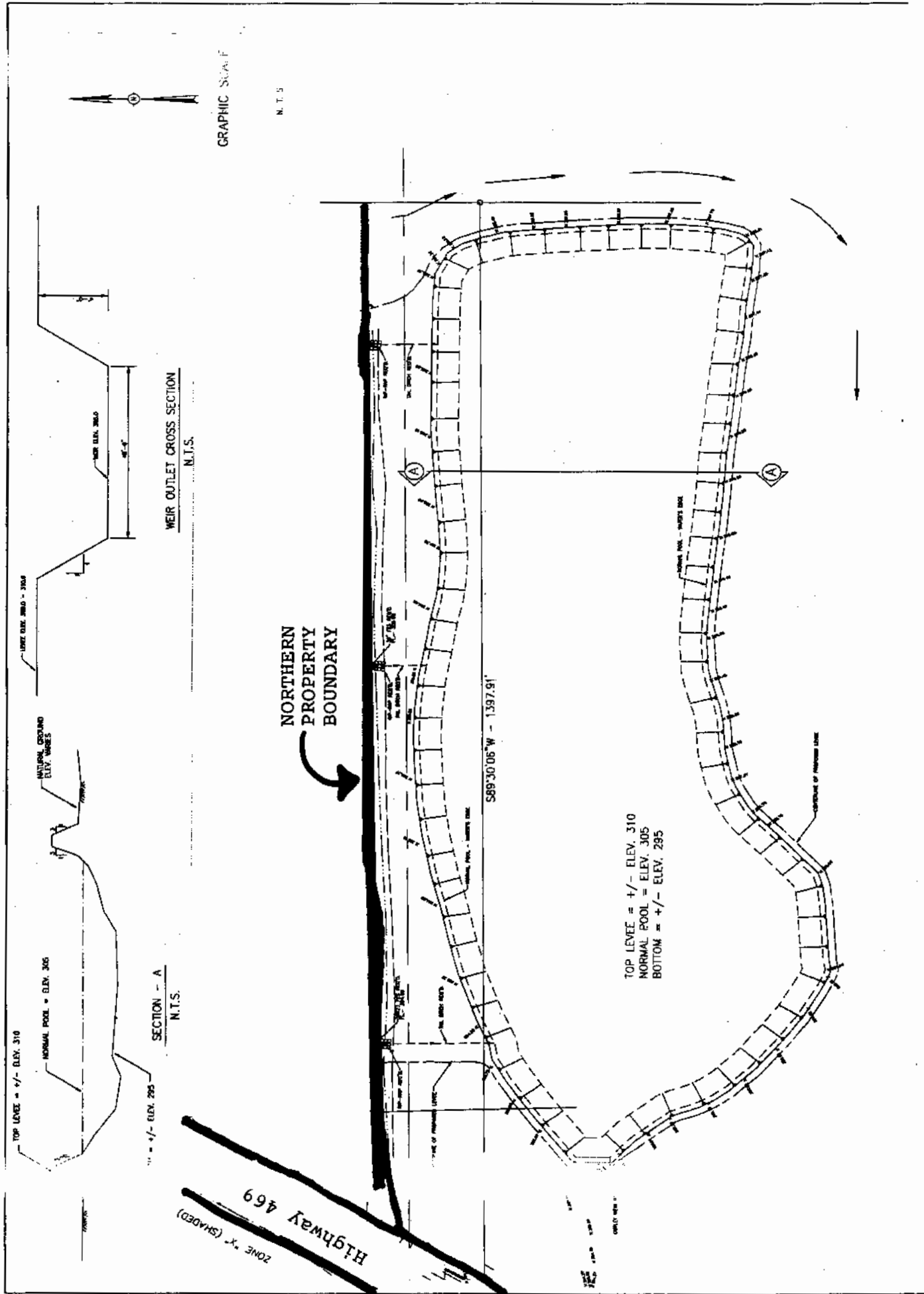
Project Site

Filled wetlands

9/8/2005 Jeremy Clay
Approved Jurisdictional Determination
Approx 1.3 acres of wetlands filled

0 235 470 940 Feet





LANG AND ASSOCIATES, INC.
JACKSON, MISSISSIPPI 39208

601-362-4886

CEMVK-OD-FE

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MARCUS CLARK